

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

NICHOLAS DAINIAK, M.D.,)
Plaintiff,)
v.)
OAK RIDGE ASSOCIATED UNIVERSITIES,)
("ORAU"),)
Defendant.)
No. 3:19-CV-168-CEA-HBG

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Plaintiff’s Motion to File Additional Documents Under Seal Filed in Support of Plaintiff’s Response in Opposition to Defendant’s Motion for Summary Judgment, and to Remain Sealed Until the Court Determines if and When the Documents Should Be Unsealed (“Motion to File Under Seal”) [Doc. 82]. Specifically, Plaintiff moves to file the following documents under seal: [Doc. 77-2], [Doc. 77-3], [Doc. 77-4], [Doc. 77-5], [Doc. 77-6], [Doc. 77-17], and [Doc. 77-18]. Plaintiff states that none of these emails and documents should be sealed, but Defendant has requested that they be filed under seal.

Defendant responded [Doc. 94] to the Motion, stating that documents containing the following Bates Nos. should be sealed: 7199-7200, 7204, 7207-7215, and 7225-7228. Defendant submits that these pages are contained in [Doc. 77-18]. Defendant requests that the documents remain sealed because they discuss a patient.

The Court will allow the documents with Bates Nos. 7199-7200, 7204, 7207-7215, and 7225-7228 to be filed under seal in the interests of privacy. The Court notes, however, that these

documents are not actually contained in [Doc. 77-18]. Instead, and for example, Plaintiff filed a page stating that Defendant requested “ORAU 7199 -ORAU 7200” to be filed under seal. [Doc. 77-18 at 4]. On another page, Plaintiff states, “Defendant has requested ORAU 7207 -ORAU 7228 be filed under seal.” [Id. at 11]. In the instant response, Defendant does not include Bates Nos. 7216-7224 in its request.

Accordingly, Plaintiff’s Motion to File Under Seal [Doc. 82] is **DENIED**. The Clerk is **DIRECTED** to **UNSEAL** the following documents: [Doc. 77-2], [Doc. 77-3], [Doc. 77-4], [Doc. 77-5], [Doc. 77-6], [Doc. 77-17], and [Doc. 77-18]. In order to correct the above issues, the parties **SHALL** refile [Doc. 77-18] in its entirety, which the Clerk **SHALL** place under **SEAL**.

IT IS SO ORDERED.

ENTER:



United States Magistrate Judge